

**AMENDMENT IN THE NATURE OF A
SUBSTITUTE TO H.R. 486
OFFERED BY MR. NORWOOD OR MR. KLINK**

Strike all after the enacting clause and insert the
following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Community Broad-
3 casters Protection Act of 1999”.

4 SEC. 2. FINDINGS.

5 The Congress finds the following:

6 (1) Since the creation of low-power television li-
7 censes by the Federal Communications Commission,
8 a small number of license holders have operated
9 their stations in a manner beneficial to the public
10 good providing broadcasting to their communities
11 that would not otherwise be available.

12 (2) These low-power broadcasters have operated
13 their stations in a manner consistent with the pro-
14 gramming objectives and hours of operation of full-
15 power broadcasters providing worthwhile services to
16 their respective communities while under severe li-

1 cense limitations compared to their full-power coun-
2 terparts.

3 (3) License limitations, particularly the tem-
4 porary nature of the license, have blocked many low-
5 power broadcasters from having access to capital,
6 and have severely hampered their ability to continue
7 to provide quality broadcasting, programming, or
8 improvements.

9 (4) The passage of the Telecommunications Act
10 of 1996 has added to the uncertainty of the future
11 status of these stations by the lack of specific provi-
12 sions regarding the permanency of their licenses, or
13 their treatment during the transition to high defini-
14 tion, digital television.

15 (5) It is in the public interest to promote diver-
16 sity in television programming such as that currently
17 provided by low-power television stations to foreign-
18 language communities.

19 **SEC. 3. PRESERVATION OF LOW-POWER COMMUNITY TELE-**
20 **VISION BROADCASTING.**

21 Section 336 of the Communications Act of 1934 (47
22 U.S.C. 336) is amended—

23 (1) by redesignating subsections (f) and (g) as
24 subsections (g) and (h), respectively; and

1 (2) by inserting after subsection (e) the fol-
2 lowing new subsection:

3 “(f) PRESERVATION OF LOW-POWER COMMUNITY
4 TELEVISION BROADCASTING.—

5 “(1) CREATION OF CLASS A LICENSES.—

6 “(A) RULEMAKING REQUIRED.—Within
7 120 days after the date of enactment of the
8 Community Broadcasters Protection Act of
9 1999, the Commission shall prescribe regula-
10 tions to establish a class A television license to
11 be available to licensees of qualifying low-power
12 television stations. Such regulations shall pro-
13 vide that—

14 “(i) the license shall be subject to the
15 same license terms and renewal standards
16 as the licenses for full-power television sta-
17 tions except as provided in this subsection;
18 and

19 “(ii) each such class A licensee shall
20 be accorded primary status as a television
21 broadcaster as long as the station con-
22 tinues to meet the requirements for a
23 qualifying low-power station in paragraph
24 (2).

1 “(B) NOTICE TO AND CERTIFICATION BY
2 LICENSEES.—Within 30 days after the enact-
3 ment of the Community Broadcasters Protec-
4 tion Act of 1999, the Commission shall send a
5 notice to the licensees of all low-power tele-
6 visions licenses that describes the requirements
7 for class A designation. Within 60 days after
8 such date of enactment, licensees intending to
9 seek class A designation shall submit to the
10 Commission a certification of eligibility based
11 on the qualification requirements of this sub-
12 section. Absent a material deficiency, the Com-
13 mission shall grant certification of eligibility to
14 apply for class A status.

15 “(C) APPLICATION FOR AND AWARD OF LI-
16 CENSES.—Consistent with the requirements set
17 forth in paragraphs (2)(A), (2)(B), and (6) of
18 this subsection, a licensee may submit an appli-
19 cation for class A designation under this para-
20 graph within 30 days after final regulations are
21 adopted pursuant to subparagraph (A). Except
22 as provided in paragraph (6)(A), the Commis-
23 sion shall, within 30 days after receipt of an ap-
24 plication of a licensee of a qualifying low-power
25 television station that is acceptable for filing,

1 award such a class A television station license
2 to such licensee.

3 “(D) RESOLUTION OF TECHNICAL PROBLEMS.—The Commission shall act to preserve
4 the contours of low-power television licensees
5 pending the final resolution of a class A appli-
6 cation. If, after granting certification of eligi-
7 bility for a class A license, technical problems
8 arise requiring an engineering solution to a full-
9 power station’s allotted parameters or channel
10 assignment in the digital television Table of Al-
11 lotments, the Commission shall make such
12 modifications, as necessary, to ensure replica-
13 tion of the full-power digital television appli-
14 cant’s service area, as provided for in section
15 73.622 of the Commission’s regulations (47
16 C.F.R. 73.622).
17

18 “(2) QUALIFYING LOW-POWER TELEVISION STA-
19 TIONS.—For purposes of this subsection, a station is
20 a qualifying low-power television station if—

21 “(A) during the 90 days preceding the
22 date of enactment of the Community Broad-
23 casters Protection Act of 1999—

24 “(i) such station broadcast a min-
25 imum of 18 hours per day;

1 “(ii) such station broadcast an aver-
2 age of at least 3 hours per week of pro-
3 gramming that was produced within the
4 market area served by such station, or the
5 market area served by a group of com-
6 monly controlled low-power stations that
7 carry common local programming produced
8 within the market area served by such
9 group; and

10 “(iii) such station was in compliance
11 with the Commission’s requirements appli-
12 cable to low-power television stations; and

13 “(B) from and after the date of its appli-
14 cation for a class A license, the station is in
15 compliance with the Commission’s operating
16 rules for full-power television stations; or

17 “(C) the Commission determines that the
18 public interest, convenience, and necessity
19 would be served by treating the station as a
20 qualifying low-power television station for pur-
21 poses of this section, or for other reasons deter-
22 mined by the Commission.

23 “(3) COMMON OWNERSHIP.—No low-power tele-
24 vision station authorized as of the date of enactment
25 of the Community Broadcasters Protection Act of

1 1999 shall be disqualified for a class A license based
2 on common ownership with any other medium of
3 mass communication.

4 “(4) ISSUANCE OF LICENSES FOR ADVANCED
5 TELEVISION SERVICES TO TELEVISION TRANSLATOR
6 STATIONS AND QUALIFYING LOW-POWER TELEVISION
7 STATIONS.—The Commission is not required to issue
8 any additional license for advanced television serv-
9 ices to the licensee of a class A television station
10 under this subsection, or to any licensee of any tele-
11 vision translator station, but shall accept s license
12 application for such services proposing facilities that
13 will not cause interference to any other broadcast fa-
14 cility applied for, protected, permitted, or authorized
15 on the date of filing of the advanced television appli-
16 cation. Such new license or the original license of
17 the applicant shall be forfeited after the end of the
18 digital television service transition period, as deter-
19 mined by the Commission. A licensee of a low-power
20 television station or television translator station
21 may, at the option of licensee, elect to convert to the
22 provision of advanced television services on its ana-
23 log channel, but shall not be required to convert to
24 digital operation until the end of such transition pe-
25 riod.

1 “(5) NO PREEMPTION OF SECTION 337.—Noth-
2 ing in this section preempts or otherwise affects sec-
3 tion 337 of this Act.

4 “(6) INTERIM QUALIFICATION.—

5 “(A) STATIONS OPERATING WITHIN CER-
6 TAIN BANDWIDTH.—The Commission may not
7 grant a class A license to a low-power television
8 station operating between 698 and 806 mega-
9 hertz, but the Commission shall provide to low-
10 power television stations assigned to and tempo-
11 rarily operating in that bandwidth the oppor-
12 tunity to meet the qualification requirements
13 for a class A license. If such a qualified appli-
14 cant for a class A license is assigned a channel
15 within the core spectrum (as such term is de-
16 fined in MM Docket 87–286, February 17,
17 1998), the Commission shall simultaneously
18 issue a class A license.

19 “(B) CERTAIN CHANNELS OFF-LIMITS.—
20 The Commission may not grant a class A li-
21 cense to a low-power television station operating
22 on a channel within the core spectrum under
23 this subsection that includes any of the 175 ad-
24 ditional channels referenced in paragraph 45 of
25 its February 23, 1998, Memorandum Opinion

1 and Order on Reconsideration of the Sixth Re-
2 port and Order (MM Docket No. 87-268).
3 Within 18 months after the date of enactment
4 of the Community Broadcasters Protection Act
5 of 1999, the Commission shall identify by chan-
6 nel, location, and applicable technical param-
7 eters those 175 channels.

8 “(7) NO INTERFERENCE REQUIREMENT.—The
9 Commission may not grant a class A license nor ap-
10 prove a modification of a class A license unless the
11 applicant or licensee shows that the class A station
12 for which the license or modification is sought will
13 not cause—

14 “(A) interference within—

15 “(i) the predicted Grade B contour
16 (as of the date of enactment of the Com-
17 munity Broadcasters Protection Act of
18 1999, or November 1, 1999, whichever is
19 later, or as proposed in a change applica-
20 tion filed on or before such date) of any
21 television station transmitting in analog for-
22 mat; or

23 “(ii) the digital television service areas
24 provided in the DTV Table of Allotments,
25 or areas protected in the Commission’s

1 digital television regulations (47 C.F.R.
2 73.622(e) and (f)), or digital television
3 service areas of stations subsequently
4 granted by the Commission prior to the fil-
5 ing of a class A application;

6 “(B) interference within the protected con-
7 tour of any low-power television station or low-
8 power television translator station licensed, au-
9 thorized by construction permit, or with a pend-
10 ing application submitted prior to the date on
11 which the application for a class A license, or
12 for the modification of such a license, was filed;
13 or

14 “(C) interference within the protected con-
15 tour of 80 miles from the geographic center of
16 the areas listed in section 22.625(b)(1) or
17 90.303 of the Commission’s regulations (47
18 C.F.R. 22.625(b)(1) and 90.303) for fre-
19 quencies in—

20 “(i) the 470–512 megahertz band
21 identified in section 22.621 or 90.303 of
22 such regulations; or

23 “(ii) the 482–488 megahertz band in
24 New York.”.